

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS

RICHARD B. KELLY, B76238,)
)
Plaintiffs,)
)
)
v.) No. 08-322-GPM-CJP
)
)
J. SISK, TERRY CALIPER, MAJOR)
BRANCH, LT. OSMAN, and UNKNOWN)
TACT C/Os INVOLVED,)
)
Defendants.)

ORDER

PROUD, Magistrate Judge:

Before the Court is plaintiff's pro se motion for a Court order directing the warden at Tamms Correctional Center to permit plaintiff to use an ink pen in connection with his litigation of the above-captioned action. (**Doc. 9**). Plaintiff explains that he is presently using a pencil that he obtained from another inmate, and "it is almost over with." Apparently, specific permission from the Court is required for a pen to be used at Tamms, which is understandable, given that Tamms is the State of Illinois' "super max" prison facility.

Although the Court requires all pleadings to be in writing, there is no requirement that a document be typed or written in ink. However, using a pencil is problematic, in that it fades, is easily tampered with, and documents written in pencil are very difficult to read via the Court's electronic filing system. Prison security concerns can be ameliorated by either only allowing plaintiff access to the pen under supervision, or by issuing a "prison pen" designed in a manner so that it is virtually impossible for it to be used as a weapon.

IT IS THEREFORE ORDERED that plaintiff's motion (**Doc. 9**) is **GRANTED**, in that it is hereby ordered that plaintiff Kelly be permitted to use an ink pen for purposes of drafting all

pleadings to be filed with the Court in this action. Prison officials at Tamms correctional center are free to impose whatever security restrictions they deem appropriate to ensure that plaintiff's use of a pen does not pose a security risk.

The Clerk of Court shall send a copy of this order to the warden at Tamms Correctional Center:

Warden
Tamms Correctional Center
8500 Supermax Road
P.O. Box 400
Tamms, IL 62988

IT IS SO ORDERED.

DATED: January 9, 2009

s/ Clifford J. Proud
CLIFFORD J. PROUD
U. S. MAGISTRATE JUDGE